

**SPIRO
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February 28, 2024

Hon. Zahid N. Quraishi
United States District Court
Clarkson S. Fisher Building
402 East State Street
Trenton, New Jersey 08608

Re: Andy Kim, et al. v. Hanlon, et al.
Docket No. 3:24-cv-01098-ZNQ-TJB

Dear Judge Quraishi:

This office represents Monmouth County Clerk Christine Giordano Hanlon in her official capacity. Our client has significant practical concerns regarding Plaintiffs bringing this action at this late time, which if the relief being sought is granted, in whole or part, could wreak havoc in the administration and conduct of this year's primary elections for both political parties.

Plaintiffs repeatedly state that this year's primary election is still 100 days away; however, the casting of votes starts long before the counting of ballots upon the closing of the polls on election day. Vote by mail ballots must start being mailed on April 20th (45 days before election day)¹ and those ballots must be sent to the printer on April 5th (60 days before election day)² a little more than a month from today.

The preparation required to get these ballots to a printer in time is immense. In Monmouth County alone, there will be more than 2,000 candidate names that need to be placed on ballots for 53 separate jurisdictions in over 400 election districts ranging from local county

¹ See N.J.S.A. 19:63-5 and N.J.S.A. 19:63-9.

² See N.J.S.A. 19:14-1.

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committee candidates in each election district for each political party all the way up to President of the United States and delegate slates for the same.

Our client's ballot designs, processes and machines are all programmed and coded to be compliant with current law. Even if the relief sought by Plaintiffs were granted today, it would be practically impossible to re-code and re-program the machines in time to be delivered to each election district for the primary election.³

Respectfully submitted,

SPIRO HARRISON & NELSON LLC

By: 

Brian M. Nelson

cc. All Counsel of Record

³ Plaintiffs' reliance on Professor Appel's report prepared for this litigation cites an ES&S sales brochure to suggest that it might be "possible" for voting machines to support Plaintiffs requested changes to the ballot, does not in any way support the conclusion that such changes could be made in time for this year's primary election.